Amendments to the Drawings

Please amend the drawings as follows:

Please add the attached new FIG. 3.

REMARKS

This communication is considered fully responsive to the Office action mailed September 20, 2005. Claims 1-37 were examined and stand rejected. No claims are amended. Claims 30-37 are cancelled without prejudice to the subject matter thereof ever being re-submitted in a continuation or like application at a later time. No claims are added. Reexamination and reconsideration are requested.

Drawings

The drawings stand objected to under 37 C.F.R. 1.83(a) as allegedly not showing every feature of the invention specified in the claims. Specifically objected to are the lack of a flow chart and the lack of apparatus drawings to support computer readable medium claims.

Applicant herewith submits a new drawing FIG. 3 (see attached "New Sheet") with a flow chart to support the method claims as originally filed. Descriptive matter therefor is also added by present amendments to the specification. The objection to the lack of a flow chart may thus be withdrawn. Action to this end is respectfully requested. Note, support for Fig. 3 can be found in claim 1 as filed.

With the present cancellation of claims 30-37, this objection to the lack of a computer readable medium drawing has been obviated and can thus be withdrawn. Action to this end is respectfully requested.

Specification

The specification stands objected to under 35 U.S.C. 132(a) for the alleged introduction of new matter into the disclosure by the Applicant's amendment of March 29, 2005. The alleged added material includes the "computer readable medium having computer executable instructions" and the "first or second subset[s] of pixels" as set forth in claims 30-37.

With the present cancellation of claims 30-37, this objection has been obviated and can thus be withdrawn. Action to this end is respectfully requested.

Claim Rejections – 35 U.S.C. §112

Claims 30-37 stand rejected under 35 U.S.C. 112, first paragraph, for the alleged failure to comply with the written description requirement; particularly for the alleged failure to reasonably convey to one skilled in the relevant art" sufficient disclosure of the "computer readable medium having computer executable instructions" and the "first or second subset[s] of pixels" as set forth in claims 30-37.

With the present cancellation of claims 30-37, this rejection has been obviated and can thus be withdrawn. Action to this end is respectfully requested.

Claim Rejections – 35 U.S.C. §102

Claims 1-15 and 21-24 and 27-37 stand rejected under 35 U.S.C. §102(b) as being purportedly unpatentable over U.S. Patent No. 5,812,286 to Lin ("Lin"). The Applicant traverses the rejections.

Claim 1 recites in part, "averaging at least two color channels in regions near the minimum of histograms of the at least two color channels". The Applicant respectively submits that the Lin reference, while disclosing a method to improve the digital color, fails to disclose or suggest any processing that *averages* color channels. The Office points to Lin, Fig. 1, step 20 and Fig. 4 as allegedly disclosing averaging at least two color channels in regions near the minimum of histograms of the at least two color channels. The Applicant respectfully disagrees.

Lin Fig. 1, step 20 explicitly states that it calls for "find[ing] the extremas and median for each channel." Finding a median is *NOT* identically nor inherently the same as finding an average, or averaging as in Applicant's case. As set forth in the Columbia Guide to Standard American English. Copyright © 1993 Columbia University Press.

> A *median* number is one at the numerical midpoint between the highest and lowest in a series, and, by extension, something in the middle: 7 is the *median* between 5 and 9. *Mean* means midpoint but is also an *average* of all the numbers in a series: of 5, 7, 8, 8, 9, the *median* is 7, but the *mean* or *average* is 7.4. *Mode* in statistical distributions is the number or value that occurs most frequently: in the series above, the *mode* or *modal number* is 8.

10

Other references are in accord. A median is not equal to an average (at least not necessarily). Thus, a teaching of a median does not anticipate an average. Lin does not, therefore anticipate claim 1.

Moreover, claim 1 further recites that the averaging of the at least two color channels be performed "in regions near the minimum of histograms of the at least two color channels;" and "in regions near the maximum of the histograms of the at least two color channels." No such limitations occur in Lin. Rather, Lin is involved in finding the "extremas" and the "median" over the entire color channel. Lin does not therefore suggest or anticipate these further limitations of claim 1.

For at least the foregoing reasons, Lin fails to disclose or suggest the recited features of claim 1. Therefore, Lin fails to anticipate or make obvious the invention of claim 1, and the Applicant requests allowance thereof.

Claims 2-15 and 21-24 and 27-29 depend from claim 1, which is allowable as set forth above. (Applicant notes again the present cancellation of claims 30-37, so the rejection hereof is obviated.) As such, claims 2-15 and 21-24 and 27-29 are allowable for at least the same reasons as claim 1, and the Applicant thus also earnestly requests that claims 2-15 and 21-24 and 27-29 be allowed.

Claim Rejections – 35 U.S.C. §103

Claims 16-20 stand rejected under 35 U.S.C. §103(a) as being purportedly unpatentable over U.S. Patent No. 5,812,286 to Lin ("Lin") in further view of U.S. Patent No. 6,160,579 to Shiraiwa et al. ("Shiraiwa"). The Applicant traverses the rejection.

Claims 16-20 depend from claim 1 which is allowable over Lin as described in detail above. As such, claims 16-20 are also allowable for at least the same reasons as claim 1, Shiraiwa not even being asserted as filling the blanks left open by Lin. Therefore, Applicant earnestly requests that claims 16-20 be allowed.

Claims 25-26 stand rejected under 35 U.S.C. §103(a) as being purportedly unpatentable over U.S. Patent No. 5,812,286 to Lin ("Lin") in further view of U.S. Patent Application No. US20020063666 to Kang et al. ("Kang"). The Applicant traverses the rejection.

Claims 25-26 depend from claim 1 which is allowable over Lin as described in detail above. As such, claims 25-26 are also allowable for at least the same reasons as claim 1, Kang not even being asserted as filling the blanks left open by Lin. Therefore, Applicant earnestly requests that claims 25-26 be allowed.

Conclusion

Based on the amendments and remarks herein, the Applicant respectfully requests prompt issuance of a notice of allowance for claims 1-29 in this matter.

Respectfully Submitted,

Dated: December _22_, 2005   By: _____

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averaging at least two color channels in regions near the minimum of histograms

selecting the smallest of the average color values as a black point

averaging at least two color channels in regions near the maximum of histograms

selecting the largest of the